

286.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-19928-2019

Date of decision: 19.08.2019

VISHAL SACHDEVA AND ANR

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. A.K. Handa, Advocate,
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab,
for respondent No.1.

Mr. Kiranpal Rana, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.263 dated 26.09.2014 registered under Sections 406, 498-A of IPC and Section 3 of Domestic Violence Act, 2005 at Police Station Cantonment, Amritsar City, District Amritsar (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 29.01.2019 (Annexure P-1).

This Court vide order dated 03.05.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 30.05.2019 to the effect that the compromise is genuine and has been effected between the parties with their free will.

Respondent No.2-complainant, namely, Donia Arora has made her statement with regard to compromise before learned Magistrate on 28.05.2019. The same is reproduced as under:-

“I am the complainant in this case. On my statement, an FIR bearing No.263/2014 dated 26.09.2014 u/s 406/498-A of IPC and Section 3 of Domestic Violence Act 2005, P.S. Cantonment, Amritsar was registered against Vishal Sachdeva aged about 31 years s/o Vinod Kumar Sachdeva and Vinod Kumar Sachdeva aged about 59 years, s/o Des Raj both r/o house no.203, Green Avenue, Amritsar. Now I have entered into compromise with both the accused with the intervention of the respectables with my own free will and without any undue influence and pressure. I have no objection if above said FIR be quashed or cancelled against the aforesaid accused on the basis of compromise. I have placed on record the copy of compromise as Mark A. I have also placed on record copy of my aadhar card mark B to reveal my identity.”

Counsel for the petitioners states that as per the compromise, decree of divorce under Section 13-B of Hindu Marriage Act, has also been granted.

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

Hon'ble Supreme Court in ***Gold Quest International Private***

206 has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C. read with Article 226 of the Constitution.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as also in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and F.I.R. No.263 dated 26.09.2014 registered under Sections 406, 498-A of IPC and Section 3 of Domestic Violence Act, 2005 at Police Station Cantonment, Amritsar City, District Amritsar (Annexure P-2) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 29.01.2019 (Annexure P-1), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

19.08.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No